

July 30, 2025

VIA ELECTRONIC MAIL

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RE: Notice of Referral: Harvard University
OCR Trans. No. DO-25-607541-RV-CRR-Rac

Dear Counsel:

Pursuant to the authority delegated by the Secretary of the United States Department of Health and Human Services (HHS) to the Office for Civil Rights (OCR), this is to inform you that OCR is referring the above-referenced matter to the Department of Justice (DOJ) today. This action against the President and Fellows of Harvard College (Harvard or Harvard University) is taken under Title VI of the Civil Rights Act of 1964 (Title VI),¹ which provides: “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (FFA). *See also* 45 C.F.R. § 80.3.

As described in the Notice of Violation that OCR sent you on June 30, 2025, OCR has jurisdiction over this matter based on Harvard’s receipt of FFA from HHS. The Notice of Violation set forth OCR’s findings of fact and analysis establishing that Harvard violated Title VI based on its deliberate indifference towards antisemitic student-on-student harassment.

HHS regulations permit referral of matters to DOJ if compliance under Title VI cannot be obtained voluntarily:

If there appears to be a failure or threatened failure to comply with this regulation, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by . . . any other means

¹ 42 U.S.C. § 2000d and its implementing regulations at 45 C.F.R. Part 80.

authorized by law. Such other means may include, but are not limited to . . . a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking[.]

45 C.F.R. § 80.8(a).

Both before and after OCR's Notice of Violation, the United States government has engaged in extensive communications with Harvard about the steps needed to address antisemitism on its campus, which would in turn ensure Harvard's compliance with Title VI. Those communications include, but are not limited to, a letter from the Joint Task Force to Combat Antisemitism on April 11, 2025, and verbal communications between officials from Harvard and the Administration since that time.

OCR noted these "extended discussions" in its Notice of Violation and invited Harvard to "take appropriate corrective action, including through submission of a voluntary resolution agreement." OCR also noted that it already had "ample grounds" "to determine that compliance cannot be secured by voluntary means." 45 C.F.R. § 80.8(d)(1). Indeed, rather than voluntarily comply with its obligations under Title VI, Harvard has chosen scorched-earth litigation against the Federal government. The parties' several months' engagement has been fruitless.

Under these circumstances, the prerequisites for referral to DOJ are met. OCR has "determined that voluntary compliance cannot be secured by voluntary means," and Harvard has been "notified of its failure to comply and of the action to be taken to effect compliance[.]" 45 C.F.R. § 80.8(d)(1), (2). These prerequisites were met no later than the date that OCR sent Harvard the Notice of Violation, more than 10 days ago. *See id.* § 80.8(d)(3). And since then, the United States government has made "additional efforts" "to persuade [Harvard] to comply with the regulation and to take such corrective action as may be appropriate." *Id.*

OCR therefore has no choice but to refer the matter to DOJ to initiate appropriate proceedings to address Harvard's antisemitic discrimination.

If you have questions, you may contact Daniel Shieh, Senior Advisor, HHS Office for Civil Rights, at Daniel.Shieh@hhs.gov. When contacting this office, please remember to include the transaction number, referenced above, that we have given this file.

Sincerely,



Paula M. Stannard
Director
HHS, Office for Civil Rights